

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JONATHAN L. FRIEND EL,)	
)	
Plaintiff,)	
)	
v.)	1:12CV405
)	
BEVERLY PERDUE,)	
)	
Defendant(s).)	

ORDER

This matter is before this court for review of the Order and Recommendation ("Recommendation") filed on April 23, 2012, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 3.) In the Recommendation, the Magistrate Judge recommends that this action be dismissed under 28 U.S.C. § 1915A for being frivolous or malicious or for failing to state a claim upon which relief may be granted. The Recommendation was served on the parties to this action on April 23, 2012. Plaintiff has filed a Notice and Declaration of Revocation of Power of Attorney and Notice and Declaration of Fraud and Notice to Cease and Desist (Doc. 5) and a Declaration Affidavit of Moorish American National Status of Inheritance and Indigenous Birth Rights (Doc. 6) which the court construes as objections to the Magistrate Judge's Recommendation.

More recently, Plaintiff filed a letter requesting that this case be dismissed (Doc. 8). In light of this Order, Defendant's request for dismissal will be denied as moot.

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

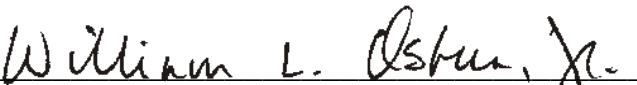
IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation (Doc. 3) is **ADOPTED**. **IT IS FURTHER ORDERED** that this action is **DISMISSED** under 28 U.S.C. § 1915A for being frivolous or malicious or for failing to state a claim upon which relief may be granted.

IT IS FURTHER ORDERED that Plaintiff's "Motion for Affidavits Concerning Nationality to be Filed Independently from 42 U.S.C. 1983 Claim" (Doc. 7) is **DENIED** for lack of good cause.

IT IS FURTHER ORDERED that Plaintiff's request for dismissal (Doc. 8) is **DENIED** as **MOOT**.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 25th day of September, 2012.


United States District Judge